APPENDIX

[Vide answer to starred question No. 717, asked by Sri N. K. Palanisami on behalf of Sri M. Kalyanasundaram at the meeting of the Legislative Assembly held on 18th April 1960, page 183 supra.]

RESOLUTIONS PASSED BY THE STATE LABOUR ADVISORY BOARD AT ITS MEETING HELD ON 12TH AND 13TH DECEMBER 1958.

Resolution I.—" This meeting of the State Labour Advisory Board recognizes that the Code of Discipline unanimously adopted at the 16th Session of the Indian Labour Conference at Nainital in May 1958 is a landmark in the history of industrial relations in our country and if sincerely implemented by all the parties concerned, will ensure peace in industry and cordial relationship between management and workers. The meeting further recognizes that unless the managements, trade unions and the Government discharged their respective individual and joint obligations, the efforts to bulid a new edifice of industrial relations will be frustrated.

The representatives of employers and trade unions as well as the State Government attending the conference will make every effort to implement the Code. This meeting desired to note the underlying fact that the code has been voluntarily agreed to by the representatives of All-India Organizations of employers and trade unions and of Governments of the States and the Union. Such voluntary agreements although they have not got the sanction of laws, are of great importance because obligations have been willingly undertaken.

As a step in the direction of implementing the Code, this meeting of the State Labour Advisory Board calls upon the employers including the employing authorities in Government departments and quasi-Government institutions and unions in this State to come to a mutual understanding to implement the Code.

The meeting realises that in order to see that the Code is implemented by all the parties, it is necessary to create an atmosphere wherein it will become impossible for anyone to ignore the weight of public opinion.

As a first step in this direction, this meeting recommends to the State Government to convene a conference on a wide basis of representatives of employers including the representatives of employing departments of Government and quasi-Government institutions, trade unions and the State Labour Officers. The only agenda of the Conference will be the Code of Discipline in Industry and measures for its implementation."

Action taken.—The Government have decided that the State Evaluation and Implementation Committee constituted by them, may look into the problems connected with the implementation of the Code of Discipline and that it is not therefore necessary to convene a special conference.

The question of extension of the Code of Discipline to employers and unions not affiliated to Central Organizations was discussed at the first meeting of the State Evaluation and Implementation

18th April 1960]

Committee held on 12th September 1959 when it was unanimously decided that the Labour Officers and Inspectors of Factories should contact the employers and unions not affiliated to any of the Central Organizations and advise them individually to ratify the Code of Discipline in writing. Instructions have been issued to these officers in this regard.

Posters explaining the significance of the Code in Tamil, English and Hindi have also been received from the Government of India. They have been distributed to the labour and employers' representatives through the Labour Officers. Copies of the Model Grievance Procedure referred to in the Code have been printed both in English and Tamil versions and circulated to all employers and registered trade unions with a request to adhere to the procedure.

Resolution II—A tripartite machinery for the effective implementation of the Code of Discipline.—" This meeting of the State Labour Advisory Board realizes that it is necessary to have a machinery which would promptly investigate complaints of breach of the Code of Discipline. The meeting is of the opinion that the Labour Department of the Government with its pre-occupation with the increasing day-to-day work will not be able to undertake this task. On the other hand a tripartite machinery will have the advantage of enhancing the chances of its findings being accepted by employers and workers and of mistakes being rectified.

This meeting therefore recommends to the Government to set up a Tripartite Organization. This Committee shall be authorized to constitute Committees from time to time for the quick investigation of complaints. In this connection the question of utilizing the proposed evaluation committee for investigating implementation of awards on settlements may be considered."

Action taken.—The Government have since constituted a State Evaluation and Implementation Committee, with the Commissioner of Labour as Chairman, and with five representatives each on the side of employers and employees. Representation has been given to all the All-India Organizations of employers and employees besides others. Accepting the recommendation of the State Labour Advisory Board, the Government have entrusted to this Committee the work of administration of the Code of Discipline.

Resolution III—The early finalization of the rules in respect of the new enactments.—" This meeting takes note of the fact that the rules for some State and Central enactments affecting labour and managements are still pending finalization and suggests that this may be expedited."

Action taken.—The Government have finalized and published in the *Fort St. George Gazette* the following rules :—

(1) The Madras Industrial Disputes Rules, 1958.

(2) Rules under the Madras Maternity Benefit (Amendment) Act, 1958.

(3) The Madras Industrial Establishments (National and Festival Holidays) Rules, 1959.

[18th April 1960

(4) The Madras Catering Establishments Rules, 1959.

(5) The Madras Beedi Industrial Premises (Regulation of Conditions of Work) Rules, 1959.

All the above rules are now in force.

Resolution IV—The collection of data regarding pending appeals in Supreme Courts.—" One of the important decisions reached at the 16th Indian Labour Conference which also forms part of the Code of Discipline in Industry is that both managements and the unions must avoid litigation. Frequent appeals against decisions of Industrial Court and Tribunals result in unconscionable delay in reaching finality in industrial disputes and undermines confidence in the machinery specially designed to resolve industrial dispute. It was therefore decided that the Labour Department should collect data regarding the pending appeals and writ before the High Court and the Supreme Court, and prepare a note on them to be placed at the next meeting of the Board."

Action taken.—Particulars of cases of appeals pending in the Supreme Court and the High Court of Madras, were collected and furnished in the annexure to the note on the action taken on the conclusions of the meeting of State Labour Advisory Board held on 12th and 13th December 1958 placed before the 9th meeting of the Board, as item 2 on the Agenda, held on 29th August 1959. The question of bringing about out-of-court settlements in cases that are pending in Supreme Court and High Court was considered at the first meeting of the State Evaluation and Implementation Committee held on 12th September 1959, when it was decided that, to start with, a pilot study might be undertaken in one of the centres, viz., Coimbatore, by a small committee of two members outside the region to find out whether out-of-court settlements would be possible. A sub-committee has accordingly been constituted with the Additional Assistant Commissioner as its Chairman, with one employers' and employees' representatives. This sub-committee has programmed to visit Coimbatore and Salem districts in the second week of April 1960 to explore the possibilities of out-of-court settlements.

Resolution V—The draft Madras Recognition of Trade Unions Bills.—" This meeting of the State Labour Advisory Board has considered the draft Trade Union Recognition Bill prepared by the Government of Madras. It takes note of the fact that subsequent to the last meeting of the State Labour Advisory Board the same draft was discussed, the 16th Session of the Indian Labour Conference had unanimously adopted a Code of Discipline in Industry which provides for recognition of Trade Unions as one of the obligations undertaken for the successful implementation of the Code. The meeting is of the opinion that if the Code is sincerely implemented it would obviate the necessity of legislation providing for compulsory recognition of trade unions. The meeting is also of the opinion that voluntary recognition of trade unions will be conducive to greater cordiality than compulsory recognition. In view of the fact that unanimous decision in this regard has been reached at the Nainital Conference, the meeting recommends to

18th April 1960]

the Government that an opportunity might be given to all the parties in the State to sincerely endeavour to implement the same before undertaking legislation for achieving that purpose.''

Action taken.—The Government have accepted the recommendation of the Board to defer consideration of the Bill. The Commissioner of Labour has been requested to watch for some time the implementation of the Code of Discipline in Industry with particular reference to the recognition of trade unions and to revive the proposal for the enatcment of the Bill for recognition of trade unions if the need for such a legislation arises.

The subject relating to recognition of trade unions and introduction of legislation with provision for secret ballot, suggested by Sri M. Kalyanasundaram, M.L.A., was discussed at the 10th meeting of the State Labour Advisory Board held on the 12th and 13th February 1960. The Board decided that the cases of non-recognition of trade unions in accordance with the criteria laid down under the Code of Discipline might be brought to the notice of the State Evaluation and Implementation Committee.

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